

WATER-RELATED LEGISLATION OF THE 1993-1994 TERMS OF THE GEORGIA GENERAL ASSEMBLY

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Abstract. The 1993-1994 term of the Georgia General Assembly did not witness a great deal of water-related legislative activity but some bills of significance were enacted. As shown in Tables 1 and 2, fourteen significant water-related bills were passed. Although some of the bills considered during the term are weighty, others were simply controversial, which might reflect increasing concerns over the water resources of the state and what is necessary to manage them.

Erosion and Sedimentation Act Amendments

The Georgia Erosion and Sedimentation Act was passed in 1975 and has been amended four times, most recently with the passage of SB 608 during the 1994 session. The intent of this law is to control erosion and sedimentation from residential, commercial and industrial construction sites. Each time the law has been amended, important changes were made to make it more effective. Unfortunately, the control of erosion and sedimentation from construction-related land disturbances has proved elusive.

During the 1993 session, legislation was passed creating the Senate Stormwater Study Committee which focused its attention on the problems of erosion and sedimentation. The committee recommendations, which were incorporated in SB 608, attempt to correct some significant problems with the law. First, the committee felt that to reduce finger pointing and to assign responsibility, that an implementing agency should be provided with all necessary responsibility to ensure that erosion is controlled. To accomplish this, the bill provides local governments with the authority to adopt rules, regulations, ordinances or resolutions which are more stringent than required by the Erosion and Sedimentation Act. When a local government demonstrates that it has enacted an ordinance which meets or exceeds the standards of the Act and documents that it employs qualified personnel to implement the ordinance, the local government can be certified by the director of the Environmental Protection Division (EPD) of the Department of Natural Resources (DNR) as a permit issuing authority. Permit issuing authorities can deny a permit to applicants who have had two or more violations of permit requirements within the last three years; require the permit applicant to post a bond in the form of government security, cash, and/or an irrevocable letter of

credit; and issue stop work orders on land-disturbing activities until corrective action and mitigation have been taken. The penalty for noncompliance with the law is not to exceed \$2,500 per day, an increase from \$2,000 per day. To clarify the law, the language was removed which set different standards for single family dwellings based on whether they are being built for the owner or on speculation. In both cases, although a permit is not required, the land-disturbing activity is required to meet the minimum requirements of the law. To back up local issuing authorities who have made every effort but have been unsuccessful in gaining compliance with the law, EPD may be requested to take enforcement action without jeopardizing the certification of the issuing authority.

The most controversial issue relating to erosion and sedimentation faced by the study committee and during the legislative session was the inclusion in the law of an instream turbidity standard set at 50 nephelometric turbidity units (NTU). The development community argues that this is an unattainable standard, particularly in the piedmont region. To address the problem, this figure was increased to 100 NTU in the law. Additionally, because of the complexity of setting such a standard, the Act calls on the Board of Regents to convene an academic scientific panel to make recommendations to the Board of Natural Resources on an appropriate instream turbidity standard. The efforts of this panel are discussed in another paper in these proceedings.

Pollution Prevention Assistance Division

Senate Bill 200 (1993) creates the Pollution Prevention Assistance Division within the Department of Natural Resources. The mission of the new division is to assist industry in the prevention of environmental pollution. The staff of the Georgia Hazardous Waste Management Authority, which became essentially dormant with the decision not to pursue siting a hazardous waste management facility in Georgia, were transferred to the division.

Water Conservation Plans

SB 10 requires a water conservation plan be filed with EPD in conjunction with an application for a surface or ground water withdrawal permit. This bill was introduced at the beginning of the 1993 session and was not enacted until

the end of the 1994 session. It was difficult to develop consensus among environmental interests, local governments and private water users. As passed, the bill requires permit applicants to develop a plan on how they will conserve water rather than how they will curtail uses in times of shortages as is already required. A task force was created by the bill to assist in the development of the rules and regulations promulgated by the Board of Natural Resources.

Hazardous Waste Site Inventory

Senate Bill 294, enacted in 1993, directs EPD to compile and update an inventory of hazardous sites in Georgia and to make such information available to the public. The law provides EPD with the authority to determine if property is in need of corrective action and sets forth notification requirements to landowners of such a determination.

Land Application of Sludge

Controversy over a proposed land application of sludge in Crawford County lead to legislative action during the 1993 session. Central to the debate was the fact that the sludge originated outside the county where the land application was to occur. HB 283 provides EPD with the authority to regulate land application of sludge. To address the concerns voiced by residents of Crawford County, the Act enables a county in which the land application of sludge is to occur to assess fees to cover the cost of monitoring the site.

Training of Wastewater Treatment Plant Operators and Laboratory Analysts

Throughout the 1993-1994 legislative term, debate focused on training and certification of wastewater treatment plant operators and laboratory analysts. HB 283 (1993) authorizes EPD to provide training for wastewater treatment plant operators and wastewater laboratory analysts and collect a fee directly related to the cost of providing such training. The Act exempts industrial wastewater or pretreatment plants from the requirements that all analysts be certified.

Certification of water and wastewater treatment plant operators and laboratory analysts was again a focus of legislative interest during the 1994 session. Promoted by the Georgia Rural Water Association, HB 1536 changes the certification for certain laboratory analysts and water and wastewater treatment plant operators. Previously, all class 1, 2, and 3 plant operators were certified as laboratory analysts. This continues for class 1 and 2 operators but not for class 3 operators. Additionally, it was argued that for smaller water systems it was too burdensome to expect them to meet the certification requirements. Consequently, a new certification classification (class 4) was adopted for those systems serving fewer than 1,000 people. The Act also allows for jurisdictions to work together in meeting the certification requirements.

Underground Storage Tanks

Ample evidence exists that underground storage tanks have

a record of contaminating ground water. To address the problem, the Underground Storage Tank Act was extensively amended in 1988 and assigned responsibility for implementing the requirements of the Act to EPD. HB 1619 was passed during the 1994 legislative session to make technical changes in the law. Of particular note are provisions relating to inspections of tanks, third-party liability claims, the use of funds from the underground storage tank trust fund, and issuance and revocation of underground tank certification.

Table 1. Water-Related Legislation of the 1993 Session of the Georgia General Assembly

Bill Number	Purpose
HB 224, Act 283	Authorizes the State Well Water Standards Advisory Council to require licensed water well contractors to complete continuing education courses.
HB 228, Act 430	Provides for EPD to regulate the land application of sludge. Provides that a county in which a sludge land application site is located may assess fees to cover the cost of monitoring the site.
HB 283, Act 286	Authorizes EPD to provide training for wastewater treatment plant operators and wastewater laboratory analysts and collect a fee directly related to the cost of providing such training. The Act exempts industrial wastewater or pretreatment plants from the requirements that all analysts be certified.
SB 19, Act 597	Repeals a provision which prohibited any person operating a combined sewer overflow system in violation of general law from adding additional sewer connections to the combined sewer overflow system.
SB 200, Act 547	Creates the Pollution Prevention Assistance Division within DNR to assist industry in the prevention of environmental pollution.
SB 294, Act 355	Directs EPD to compile and update an inventory of hazardous sites in Georgia and to make such information available to the public. Provides EPD with the authority to determine if certain property is in need of corrective action and provides for notice to landowners of such determination.

Table 2. Water-Related Legislation of the 1994 Session of the Georgia General Assembly

Bill Number	Purpose
SB 10, Act 1098	Requires that a water conservation plan be filed with EPD in conjunction with an application for a water withdrawal permit or ground water use and creates a task force to assist in writing the rules and regulations.
SB 608, Act 1214	Amends the Erosion and Sedimentation Act of 1975 to increase allowable turbidity units discharged from land-disturbing activities except in trout streams; authorizes EPD to grant variances relating to the distance from streams of land-disturbing activities; prevents EPD from issuing a permit for a land-disturbing activity to any person in arrears on ad valorem taxes; strengthens and clarifies enforcement provisions; and calls for the Board of Regents to convene an academic scientific panel to recommend an instream turbidity standard.
HB 862, Act 1264	Provides that no public or private water supplier can refuse to supply water to or place a lien on residential property which has been furnished water and is metered due to the indebtedness of a prior owner or occupant in order to secure the unpaid charges.
HB 1262, Act 899	Provides for the transfer from EPD to GEFA the responsibility for administering certain EPA Safe Drinking Water Act grants.
HB 1521, Act 1164	Technical amendments to the Comprehensive Solid Waste Management Act which allow for the removal of a local government from a regional solid waste management authority; exempts steel strapping from the prohibition of packaging containing certain hazardous materials; and allows the state to incur debt to fund activities to correct hazardous waste sites (if approved by the voters in November 1994).
HB 1527, Act 1109	Georgia Business Expansion Support Act of 1994. Allows for corporate tax credits for pollution prevention and control equipment.
HB 1536, Act 1258	Makes certain certification distinctions between laboratory analysts and water and wastewater treatment plant operators and creates a new classification for public water supply systems serving populations of less

than 1,000; provides for reciprocity with other jurisdictions having similar certification requirements.

HB 1619, Act 1042

Amends the Georgia Underground Storage Tank Act relating to inspections of tanks; third-party liability claims; the underground storage tank trust fund, and the issuance and revocation of underground tank certification.

CONCLUSIONS

In addition to the bills discussed, Tables 1 and 2 include other water-related legislation enacted during the 1993-1994 term. It is interesting to note that a number of these bills weaken requirements that were already in place. Although give-and-take is necessary and fine tuning of laws to make them work more effectively is called for, ensuring good quality water is necessary for the future of Georgia. Actions that weaken water-related laws should be taken very carefully.